

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 1, Chama Mainstream

Acequia de Monastery of Christ  
in the Desert  
Subfile No. X-1

**MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and moves the Court to issue its Order to Show Cause to defendant Monastery of Christ in the Desert (“Defendant”) with respect to the priority date of the water rights in Subfile X-1 in the Chama Mainstream Section, and as grounds states the following:

1. The Court in its *Order* filed March 10, 1971 (Doc. No. 1670) determined a priority date of 1904 for the water rights in Subfile X-1 and lands irrigated by the Acequia de Monastery of Christ in the Desert (“Monastery Ditch”). This priority date was based on a declaration of water rights (OSE No. 01821) filed with the New Mexico State Engineer on April 21, 1964, by Juan I. Gallegos.

2. The lands under the Monastery Ditch were left out of the Order to Show Cause proceedings with respect to the redetermination of priority dates in Section 1. *See generally, Order re Form of Notice and Form of Order to Show Cause re Priority Dates for Individual Irrigation Subfiles* filed October 3, 1994 (Doc. No. 3521); *Order Amending July 8, 1994 Order re Adjudication of Water Right Priorities* filed October 21, 1994 (Doc. No. 3956); *Second Order Amending July 8,*

*1994 Order re Adjudication of Water Right Priorities* filed December 5, 1994 (Doc. No. 3971).

3. In order to enter a final order on the priorities of ditches in Section 1, and to hold comprehensive *inter se* proceedings within Section 1 on priorities, the Court should address the question of whether or not the priority date of the Monastery Ditch should be revised.

4. The State believes that there is no basis to reconsider the previous determination of the priority date of the Monastery Ditch (1904), and that the Court should enter an Order that confirms the 1904 priority date after appropriate notice to the Defendant and an opportunity to be heard.

5. An Order to Show Cause should be served on the defendant Monastery of Christ in the Desert that requires the Defendant to notify the Court of any objection it has to a priority date of 1904 for the Monastery Ditch and the water rights described in Subfile X-1. A proposed form of order is attached hereto as Exhibit 1.

6. The Monastery Ditch is a private ditch, and all surface water irrigation rights under that ditch are included in Subfile X-1.

WHEREFORE the State of New Mexico requests the Court to issue its Order to Show Cause that requires the Monastery of Christ in the Desert to file with the Court, no later than 20 days after service of the Order by first-class mail, any objection it has to an Order of the Court that confirms a priority date of 1904 for the Monastery Ditch and the water rights in Subfile X-1 in the Chama Mainstream Section.

Respectfully submitted,

/s/ Ed Newville  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 6th day of July, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, and served the following non-CM-ECF participants via first class mail, post prepaid addressed as follows:

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/s/ Ed Newville  
EDWARD G. NEWVILLE